

REMARKS

Claims 14-16, 19, 20, 24, 25 and 27-30 are pending in this application. By this Amendment, claims 14, 29 and 30 are amended. No new matter is added. Reconsideration of the application is respectfully requested.

The Office Action rejects claim 19 under 35 U.S.C. §102(b) over JP 06-193730 to Kazuhiro et al. (Kazuhiro). This rejection is respectfully traversed.

Claim 19 recites, *inter alia*, an over rotation prevention device that increases a relief pressure at a variable relief valve if a rotation rate detection device detects a rotation rate equal to or higher than a predetermined rotation rate upper limit which is equal to or less than an allowable rotation rate limit of a travel motion motor.

The Office Action asserts that controller 27 corresponds to the claim 19 over rotation prevention device. However, as discussed in the Abstract, Kazuhiro discloses that when it is judged that the vehicle is under deceleration, a relief set pressure of a relief valve 19 is controlled to be a relief pressure in accordance with a traveling speed at this time, and that when the vehicle is in stop, starting or accelerating, the relief set pressure of the relief valve 19 is controlled to be a relief pressure that is suitable for being in stop, starting or accelerating in accordance with the pilot pressure at this time. Therefore, Kazuhiro does not teach or suggest that controller 27 increases a relief pressure at the variable relief valve 19 if a rotation rate detection device detects a rotation rate equal to or higher than a predetermined rotation rate upper limit which is equal to or less than an allowable rotation rate limit of a travel motion motor. As such, claim 19 is patentable over Kazuhiro. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 12-16, 18, 21, 22 and 26-30 under 35 U.S.C. §103(a) over JP 2001-304409 to Fujikawa et al. (Fujikawa) in view of JP (08-270788) to Akira et al.

(Akira). This rejection is moot with respect to canceled claims 12, 13, 18, 21, 22 and 26 and is respectfully traversed with respect to the remaining claims.

Claim 14 recites, *inter alia*, a travel motion control valve that is disposed between the hydraulic pump and the travel motion motor, controls a flow rate of the pressure oil supplied from the hydraulic pump to the travel motion motor and includes a pressure oil supply port through which the pressure oil is supplied to the travel motion motor and a return port through which the pressure oil returns to the tank, and a counterbalance valve disposed between the travel motion motor and the travel motion control valve, which is controlled by a travel pressure output from the hydraulic pump. Claim 14 also recites an operation device with which the travel motion control valve is operated, and an over rotation prevention device that reduces a rotation rate of the travel motion motor if the rotation rate detection device detects a rotation rate equal to or higher than a predetermined rotation rate upper limit while the operation device is being operated.

Fujikawa discloses a closed hydraulic circuit as shown in Fig. 1 and described at paragraph [0031]. As admitted by the Office Action, Fujikawa does not disclose, suggest or require a travel motion control valve or a counterbalance valve. Moreover, Fujikawa does not teach or suggest an operation device an operation device with which the travel motion control valve is operated or an over rotation prevention device that reduces a rotation rate of the travel motion motor while the operation device is being operated as recited in claim 14.

With respect to Akira, as discussed at page 1, line 13-page 2, line 23 of the specification, Akira does not increase a displacement volume of the travel motion motor and thus, a sufficient level of braking force cannot be achieved if the vehicle is made to travel downhill while the operator is stepping on the pedal.

Thus, neither Fujikawa nor Akira teaches or suggest the over rotation prevention device that reduces a rotation rate of the travel motion motor if the rotation rate detection

device detects a rotation rate equal to or higher than a predetermined rotation rate upper limit while the operation device is being operated. Thus, claim 14 is patentable over Fujikawa and Akira.

Claims 15, 16, and 27-30 are allowable for their dependence on claim 14, as well as for the additional features they recite. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 20 under 35 U.S.C. §103(a) over Kazuhiro in view of JP 01-116371 to Takehisa et al. (Takehisa). This rejection is respectfully traversed.

Takehisa does not overcome the deficiency of Kazuhiro with respect to claim 19. Thus, claim 20 is allowable for its dependence on claim 19, as well as for the additional features it recites. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Joel S. Armstrong
Registration No. 36,430

JAO:JSA/sqb

Attachment:
Petition for Extension of Time

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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